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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,944	01/05/1998	THEODORE D. WUGOFSKI	450.208US1	8404

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GATEWAY, INC.  
ATTN: PATENT ATTORNEY  
610 GATEWAY DR.  
MAIL DROP Y-04  
N. SIOUX CITY, SD 57049

EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/002,944

Applicant(s)

WUGOFSKI ET AL.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-9, 11, and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claims 1-9, 11, and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (U.S. Patent 5,940,073) in view of Knee et al. (U.S. Patent No. 5,589,892).

Regarding claims 1 and 20, Klosterman discloses "an information handling system, comprising: a graphical user interface; wherein the graphical user interface is configured to display a channel list including at least one television channel and at least one scheduled Internet channel concurrently", i.e., an information system as shown in Fig. 1 and col. 4/lines 24-62 with a graphical user interface as shown in Fig. 6a; and at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user's scheduled program guide; and wherein the at least one scheduled internet channel has at least one event with a scheduled start time and a scheduled end time, and wherein the graphical user interface is further configured to display the scheduled start time and the scheduled end time" (Klosterman, Fig. 6a & 6b, and col. 9/lines 19-33 as a virtual internet channel offered to the viewer to the

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Internet website at start and end times at the same time with other television channels as SHOW, HBO, ESPN and etc., i.e., and as clearly illustrated in Fig. 6a/item 620, NBC internet channel is from 9PM to 10PM).

Klosterman does not disclose the step of “provide at least one of the management functions selected from the group consisting of: adding the television channel, adding the Internet channel, removing the television channel, and removing the Internet channel” as claimed; however, Knee discloses an exact same method and system of providing the management functions to users in controlling the setting up of the channel lists, whether to add or remove the television channels and/or the Internet channels, by showing the technique on how to manage the channel list, the creation of favorite channel lists, and on how the user interface works and manages in order to create the channel lists based on the user’s preferences for the electronic program guide (Knee, see col. 6/lines 39-60 for both the creating of favorite channel list comprising of both real and virtual channels; see Figs. 7 & 8 and col. 28/line 15 to col. 29/line 54 for more details on how to manage a favorite channel list(s) in adding or removing a channel for a preference channel list; and col. 45/line 60 to col. 46/line 7 for programs, channels or information from the Internet can be selected).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman’s television and internet interactive system with Knee’s disclosed technique in creating a favorite or preference channel list comprising both the television channels and the Internet channels, and then having an option on whether to add and/or remove a television channel and/or an Internet channel from that list as an enhanced feature for the electronic program guide as preferred.

As for claim 2, in further view of claim 1 above, Knee further reveals that “wherein the channel list is a favorite channels list”, i.e., the user can create his/her own favorite channel list by deleting or selecting a channel from choices based on news, movies or sports (Knee, Fig. 8).

As for claim 3, Klosterman shows “wherein the graphical user interface includes an electronic program guide configured to display the channel list” (Fig. 6a & 6b again).

Concerning claim 4, Klosterman further discloses “comprising an electronic program database for storing the channel list” as a program memory within the user’s television module for storing the EPG channel list (Fig. 12, and col. 13/lines 2-23 for module 1240 and a FLASH memory).

Regarding claims 5 and 19, in additional view of claim 1 above, Klosterman further teaches “comprising a convergence system which includes the information handling system” (Fig. 1 and col. 4/line 24-col. 5/line 17 for a convergence system because different sources from the television, cable and Internet can be combined and presented to the viewers).

Regarding claims 6-9 and 11, these claims for “a computerized system for integrating Internet sources into an electronic program database comprising one or more television channels; one or more scheduled Internet channels; one or more channel lists integrating the television channels and the Internet channels” with similar features as claimed earlier are rejected for the reasons given in view of Klosterman and Knee in the scope of claims 1-5 as discussed above (to avoid unnecessary repetitions).

(Claims 10 and 12 were canceled).

Regarding claims 13, Klosterman discloses that “wherein the graphical user interface is a channel banner graphical user interface” (Klosterman, Fig. 2a/item 220).

As for claim 14, in view of claim 1 above, Knee teaches the step of “wherein the graphical user interface is a favorite channel list graphical user interface”, i.e., the user can create his/her own favorite channel list by deleting or selecting a channel from choices based on news, movies or sports (Knee, Fig. 8, and col. 28/line 33 to col. 29/line 54 for more details on this issue).

Regarding claims 15-18, these claims of “a computer-readable medium having computer-executable components comprising a database component for storing one or more channel lists, at least one of the channel lists integrating one or more television channels and one or more scheduled Internet channels; and a user interface component for displaying the channel lists, wherein the user interface component is further for displaying the scheduled start time and the scheduled end time” are rejected for the reasons given in view of Klosterman and Knee in the scope of the system claims 1-9, 11, 13-14 and 19-20 (to avoid unnecessary repetitions) as already discussed in details above.

As for claims 21 and 22, in further view of claims 1 and 6 above, the combination of Klosterman and Knee teaches all of the limitations as disclosed earlier (see the Examiner’s statements above, avoid unnecessary repetitions). Furthermore, Knee shows that in the step of creating a favorite channel for deleting or adding a channel, a secondary graphical user interface is provided as the user moves from a preference menu (Fig. 7) to a secondary graphical user interface (as illustrated in Fig. 8) for modifying the favorite channel list in order to have a TV guide listing (as illustrated either in Fig. 20 or 38B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman’s technique with Knee’s technique as disclosed in order to include a secondary graphical user

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interface as a means for displaying to the user for the user(s) to modify their favorite channel list as suggested by Knee (col. 28/line 14 to col. 29/line 54 for details on how the favorite list is created or revised).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schein et al. (US Patent 6,247,176 B1) and Klosterman et al (US Patent 6,469,753 B1) discloses electronic program guide with internet channels.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
April 12, 2006